

**Remarks**

The non-final Office Action dated February 6, 2009 listed the following rejections: claims 1-2, 13-18, 20-21, 24 and 26 stand rejected under 35 U.S.C. § 103(a) over Lethellier (U.S. Patent No. 6,424,129); and claim 25 stands rejected under 35 U.S.C. § 103(a) over the '129 reference in view of Bernardon (U.S. Patent Pub. 2003/0214276). The Office Action also indicated that claims 3-12 are allowed, and that claims 19 and 22 would be allowable if rewritten in independent form. Applicant respectfully traverses all of the rejections and, unless explicitly stated, Applicant does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 because the proposed modification of the '129 reference does not correspond to aspects of the claimed invention directed to determining a difference between a zero load voltage and the output voltage to obtain a difference signal. The '129 reference does not teach that amplifier 26 determines the difference between a zero load voltage and the output voltage. *See, e.g.*, Figures 1 and 4. Instead, the '129 reference teaches that amplifier 26 determines the voltage across capacitor 25. *See, e.g.*, Col. 5:45-50. Thus, the output of amplifier 26 (*i.e.*, the asserted difference signal) does not represent the difference between a zero load voltage and output voltage  $V_{OUT}$  (*i.e.*, the asserted output voltage). Moreover, the '129 reference does not teach that the voltage between resistor 24 and capacitor 25 (*i.e.*, the asserted zero load voltage) is a zero load voltage (*e.g.*, the voltage the converter should supply at zero load as is discussed in paragraphs 0004 and 0008 of Applicant's specification). Accordingly, the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 because the proposed modification of the '129 reference does not correspond to aspects of the claimed invention directed to a switch controller for receiving the difference signal, the momentary information and the correction signal to control the switch for obtaining a substantially zero correction signal in a steady state. First, the '129 reference does not teach that control circuit 27 (*i.e.*, the asserted switch controller) receives the output of amplifier 17 (*i.e.*, the asserted momentary information). Instead, the '129 reference teaches providing the output of amplifier 17 to sense circuit 28 (*i.e.*,

the asserted integrator), which uses the output of amplifier 17 and the output of amplifier 26 to produce a DC level signal that is provided to control circuit 27. Thus, the ‘129 reference does not teach providing the output of amplifier 17 (*i.e.*, the asserted momentary information) to control circuit 27 (*i.e.*, the asserted switch controller). Second, the ‘129 reference does not teach that control circuit 27 (*i.e.*, the asserted switch controller) controls switches 21 and 31 (*i.e.*, the asserted switch) to obtain a substantially zero DC level signal (*i.e.*, the output of sense circuit 28, asserted to correspond to Applicant’s correction signal) in a steady state. Instead, the ‘129 reference teaches that the DC level signal output by sense circuit 28 is the corrected current sense signal (*see, e.g.*, Col. 6:23-42), and the ‘129 reference does not make any mention of controlling switches 21 and 31 to obtain a substantially zero DC level signal in a steady state. Accordingly, the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 because the Office Action fails to provide a valid reason for the proposed modification of the ‘129 reference. In an attempt to assert correspondence to the claimed invention, the Office Action proposes to combine two separate embodiments of the ‘129 reference. Specifically, the Office Action proposes to combine the amplifier 52 from the embodiment shown in Fig. 4 (or Fig. 3) with the embodiment shown in Fig. 1. The ‘129 reference, however, explicitly teaches that Figures 1, 3 and 4 are alternative embodiments that provide different manners of providing the second current sense signal (*e.g.*, the output of 17 in Fig. 1 and the output of 52 in Figs. 3 and 4). *See, e.g.*, Col. 6:43-67. The Office Action’s proposed modification would simply add redundant circuitry (*e.g.*, amplifier 52) to the embodiment of Fig. 1 apparently to produce a signal (*i.e.*, the second current sense signal), which is already generated in Fig. 1 by amplifier 17, in order to address a problem (*i.e.*, “correct for thermal variation”) that is already addressed by the embodiment of Fig. 1. Thus, Applicant submits that the ‘129 reference teaches away from combining redundant circuitry from alternative embodiments as proposed by the Office Action. In *KSR*, the Supreme Court looked favorably on *Adam*’s treatment of teaching away stating, “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-

obvious.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). Applicant further submits that the Office Action’s proposed modification of the ‘129 reference appears to be derived solely from Applicant’s disclosure in an improper hindsight reconstruction of the claimed invention using Applicant’s disclosure as a template. *See, e.g.*, M.P.E.P. § 2142. Accordingly, the § 103(a) rejection of claims 1-2, 13-18, 20-21, 24 and 26 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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